

BEFORE THE CITY OF JUNCTION CITY PLANNING COMMISSION

IN THE MATTER of the Variance application submitted by O'Reilly Automotive Parts, Inc. for constructing a new commercial auto parts store on a 1.13 acre site described as Assessor's Map: 15-04-32-33 Tax Lots 00800, 00900, 00600 and 01000

] FINDINGS OF FACT

Contents

I.	INTRODUCTION & PROCEDURAL FINDINGS	1
II.	General FINDINGS OF FACT	1
I.	REVIEW OF APPLICABLE ZONING AND DEVELOPMENT REVIEW CRITERIA	2
A.	17.140.010 Authorization to grant or deny variances	2
B.	17.140.020 Variance procedure	6

I. INTRODUCTION & PROCEDURAL FINDINGS

This matter came before the City of Junction City Planning Commission for public hearing on July 22, 2013 at Junction City City Hall, Junction City, Oregon.

The purpose of the hearing was to receive testimony and other evidence related to the subject matter and to render a decision in response to the application.

The applicant, O'Reilly Automotive Parts, appeared before the Planning Commission on this matter. Any testimony at the hearing is part of the record in this matter.

Written notice with application materials were sent to the Junction City, City Administrator, the Junction City Public Works Director, the Junction City Police Department, the Junction City Rural Fire District, the Junction City Building Official, Lane County Transportation, ODOT, Pacific Power & Light, Northwest Natural Gas, and Lane Transit District.

Notice was sent to property owners within 300 ft. of the subject property and was published in the local newspaper. Any written statements submitted to the Planning Commission were also considered as part of the record.

The written staff report, together with the various exhibits presented to the Planning Commission by the Junction City City Planner, are a part of the record in this matter. The staff report and its accompanying attachments describe the nature of the application, the applicable criteria to be applied to the request, and numerous factual findings.

II. GENERAL FINDINGS OF FACT

1. The applicant is proposing to construct a new 6,871 square foot retail store, to be used for selling automotive parts. The building is proposed to be located along Ivy Street on the east side of the existing alley, with access for vehicles and delivery trucks to be from the alley located between Ivy and Juniper Street. Parking for the store is proposed to be located on the north, south and west sides of the building, as well as on Tax Lot 1000, which is located on the west side of the alley. A loading and unloading zone for delivery vehicles is proposed to be accessed off the alley. The proposal requires Development Review under the City's Municipal Code standards (see Chapter 17.160). The proposal must also comply with the

standards for the General Commercial (GC) and Commercial/Residential (CR) zones, contained in 17.35 and 17.40 respectively.

2. The subject property is located in the General Commercial zone, except for Lot 01000, which is Commercial/Residential zone. No buildings currently exist on the subject property.
3. Chapter 17.35 describes the intent and criteria of the General Commercial zone and Chapter 17.40 describes the intent and criteria of the Commercial/Residential zone.
4. The applicant is also proposing to vary standards contained in the General Commercial Zoning code standards, as follows:
 - a. The applicant is requesting a variance from the Building Form standard contained in 17.35.100.B, addressing windows. This standard requires all street-facing building facades to provide windows along a minimum of 50 percent of the length and 20 percent of the ground floor wall area. On corner lots, the general ground floor window standards must be met on one street frontage only. The applicant is proposing a variance to allow the new building to be constructed without windows meeting these requirements on the north and east sides of the building, facing W 5th Avenue and Ivy Street. Along these frontages, no windows are proposed.
 - b. The applicant has previously requesting a variance from the Utilities standard contained in 17.35.120. On July 11, 2013 this application was withdrawn.
5. Chapter 17.140 describes the intent and criteria of the variance provisions.

I. REVIEW OF APPLICABLE ZONING AND DEVELOPMENT REVIEW CRITERIA

A. 17.140.010 Authorization to grant or deny variances.

The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of the property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

FINDING: The proposed variance is the window standards contained in 17.35.100.B. The standard is met on the W 4th Avenue building frontage. The applicant is requesting relief from the standard along the Hwy 99 and W 5th Avenue frontage, which would require 25 percent of the length and 10 percent of the ground floor wall area to include window treatment. Based on the building design, the following amount of windows would be needed on these frontages:

- Hwy 99:
 - Building façade length: 96' 4"
 - Building façade height: 22'
 - Building façade area: 2,117 square feet
 - Percent of windows along building length: 25% (24 lineal feet of window area)
 - Percent of windows along wall area: 10% (212 square feet of window area)

- W 5th Avenue:
 - Building façade length: 71.33'
 - Building façade height: 22'
 - Building façade area: 1,569 square feet
 - Percent of windows along building length: 25% (17.8 lineal feet of window area)
 - Percent of windows along wall area: 10% (157 square feet of window area)

No variance shall be granted unless it can be shown that all of the following conditions exist:

A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of the lot size, topography or other circumstances over which the applicant has no control.

FINDING: The building form standard that is proposed to be varied was adopted by the City in 2003. Staff has reviewed the following development permit history in the GC zone to identify the characteristics of the sites that have been evaluated since this standard was developed. The results of this review are as follows:

Location	Project	Number of Street Frontages	Variance to Building Form – Window Standards Requested?	Notes
Southwest corner of 15 th and Ivy	Hollywood Video	2	Yes, variance proposed to allow relief from the window standards along 15 th Street. See Attachment for a copy of the site plan and building elevations that were reviewed.	The Planning Commission denied the variance request, finding that there were no exceptional characteristics that applied to the property. The building was eventually redesigned to meet this standard.
Southwest corner of Ivy Street and W 13 th Avenue	Rauschert Building	2	No, the standard was met along both frontages.	
Southeast corner of Front Street and 6 th Avenue	Dari Mart	2	No, the site was developed in phases and the first phase was located internal to the site and the standard was not applied.	
93688 Hwy 99	Camping World	1	No, the standard was met.	
Southeast corner of Ivy	Coffee Store	2	No.	The plans submitted indicated that the street

Street and 6 th Avenue				facing façade has windows along 57 percent of the length of the ground floor wall.
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The subject property has three street frontages, which is different than any of the development sites reviewed above. In looking at plat maps of the City, it is not typical for lots in the GC zone to have three frontages. Past developments have consolidated lots, as is being done here, to locate one building on a site that would have three frontages. This was done for several past developments, including Guest House Inn (located along Hwy 99 between W 13th and 14th Avenue), Citizens Bank (located along Hwy 99 between W 9th and 10th Avenue), Countryside Interiors (located along Hwy 99 between W 10th and 11th Avenue). These buildings were built prior to the adoption of this standard, and would not appear to meet the window standard on all three frontages.

In conclusion, as noted above, there are exceptional circumstances that apply to this site that do not generally apply to other sites in the GC zone, namely the number of frontages that are required to comply with the window standard.

However, other sites with two frontages have been able to comply with the required standard. There are no other unique or special circumstances that affect this site. For this reason, the proposal only partially meets this standard.

CONDITION: Prior to building permit issuance, the applicant shall submit revised plans for staff review that conform to one of the following:

- Comply with the minimum window standards along the Hwy 99 frontage; or
- Comply with ½ the minimum window requirement along both the Hwy 99 and W 5th Avenue frontages; or
- A combination of these options, provided that at minimum no less than ½ the minimum requirement is met along the Hwy 99 frontage.

The applicant must provide revised plans for the new structure that match the variance as approved.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

FINDING: The requirement for windows along three frontages does present a significant challenge to standard retail building formats for the following reasons:

- Retailers need to make optimum use of shelving space along the exterior building walls. This shelving can block exterior windows, with the end result being that the pedestrian-environment that the City is seeking is not met along the building frontage;
- If windows are designed to have pedestrian appeal, with displays and merchandising visible from the street, then the interior space for product display and storage is reduced.

- Space is also needed to accommodate loading/unloading, storage, office, restroom and other facilities. With the need for window features along three frontages, these facilities are more difficult to design and place.

Deviation from this standard would allow the property owner to include appropriate shelving, storage, office and other spaces to meet their retailing needs, which is consistent with rights possessed by other property owners in the GC zone.

However, the applicant has not provided sufficient evidence to establish why the building design could not include clerestory windows that would be located above eye level, and above needed shelving units. For this reason, the proposal only partially meets this standard. The windows required in the Condition of approval noted above could be designed to be clerestory windows. With the additions of windows as conditioned, the proposal would be consistent with this criterion.

- C. The authorization of the variance shall not be materially detrimental to the purpose of this title, be injurious to the property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.*

FINDING: One of the primary objectives of the window standard and other building orientation standards contained in the GC zone is to create streets which are attractive to pedestrians, and provide activity and interest along the street edge of a building. The applicant has proposed the following alternative approaches to meeting this intent:

- Use of exterior building materials that pull from the surrounding residential horizontal siding, and nearby brick accents; and
- Installation of landscaping along the Hwy 99 and W 5th building frontages to contribute to the pedestrian experience.

Neither of these provisions is required under the Junction City Municipal Code. The use of building materials similar to the surrounding development is important to ensuring that the development is reasonably compatible with surrounding properties. The inclusion of landscaping adds visual interest along the building facades. The change in materials, use of columns, awnings and trellis work also adds visual interest to the building. With these additional landscaping and building details, which are not otherwise required under the Zoning code standards, this proposal would be consistent with this standard.

CONDITION: The applicant must provide landscaping and building details that are consistent with the submitted drawings, except as otherwise modified by the development review decision.

- D. It is impractical to maintain the zoning ordinance requirements and, at the same time, build, erect or use the structure as desired. [Ord. [950](#) § 104, 1991.]*

FINDING: The applicant has stated in their narrative that the standard would detrimental to the use of the building if the window standards are required. However, the applicant has not provided sufficient evidence to establish why the building design could not include clerestory windows that would be located above eye level, and above needed shelving units. For this reason, the proposal

only partially meets this standard. The windows required in the Condition of approval noted above could be designed to be clerestory windows. With the additions of windows as conditioned, the proposal would be consistent with this criterion.

B. 17.140.020 Variance procedure.

The procedure to be followed in applying for and acting on a variance shall be substantially the same as those provided in Chapter [17.130](#) JCMC for the case of a conditional use. [Ord. [950](#) § 105, 1991.]

FINDING: The application has been reviewed under a Type III process, which requires a public hearing; this is substantially the same as described in Chapter 17.130 JCMC. This standard is met.